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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 UNITED STATES OF AMERICA,) NO. 4-20-70327 MAG
)
14 Plaintiff,) STIPULATION AND [PROPOSED] ORDER TO
) CONTINUE STATUS CONFERENCE, EXCLUDE
15 v.) TIME, AND EXTEND THE DEADLINES UNDER
) THE SPEEDY TRIAL ACT AND FED R. CRIM. P.
16 GABRIEL GONZALES,) 5.1
)
17 Defendant.)
)

18
19 It is hereby stipulated by and between counsel for the United States and counsel for the
20 defendant, Gabriel Gonzales, that the status hearing scheduled for July 22, 2020 at 10:30 a.m. be
21 rescheduled for August 13, 2020 at 10:30 a.m. The reasons for this request are as follows: The defense
22 needs additional time to review discovery with the defendant and investigate the case. The parties are
23 also exploring a resolution of the case. Finally, the coronavirus pandemic has impeded on defense
24 counsel's ability to meet with the defendant.

25 Based on the foregoing, the parties stipulate and agree that excluding time from July 22, 2020
26 until August 13, 2020 will allow for the effective preparation of counsel. See 18 U.S.C.
27 § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding
28 the time from July 22, 2020 through August 13, 2020 from computation under the Speedy Trial Act

1 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A),
2 (B)(iv).

3 The parties further stipulate that, with the consent of the defendant, there is good cause for
4 extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for
5 extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P.
6 5.1; 18 U.S.C. § 3161(b).

7 The undersigned Assistant United States Attorney certifies that he has obtained approval from
8 counsel for the defendant to file this stipulation and proposed order.

9 IT IS SO STIPULATED.

10 DATED: July 14, 2020

/s/

NOAH STERN
Assistant United States Attorney

12 DATED: July 14, 2020

/s/

JOYCE LEAVITT
Counsel for Defendant Gabriel Gonzales

14
15 **~~[PROPOSED]~~ ORDER**

16 Based upon the facts set forth in the stipulation of the parties and for good cause shown, the
17 Court reschedules the status hearing scheduled for July 22, 2020 at 10:30 a.m. and schedules a status
18 hearing for August 13, 2020 at 10:30 a.m. The Court further finds that failing to exclude the time from
19 July 22, 2020 through August 13, 2020 would unreasonably deny defense counsel and the defendant the
20 reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
21 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the
22 time from July 22, 2020 through August 13, 2020 from computation under the Speedy Trial Act
23 outweigh the best interests of the public and the defendant in a speedy trial. For the same reasons, the
24 Court finds good cause for extending the time limits for a preliminary hearing under Federal Rule of
25 Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy
26 Trial Act. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161. Therefore, and with the consent of the parties, IT
27 IS HEREBY ORDERED that the time from July 22, 2020 through August 13, 2020 shall be excluded
28 from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1. 18 U.S.C. §

1 3161(h)(7)(A), (B)(iv); Fed R. Crim. P. 5.1(d).

2 IT IS SO ORDERED.

3
4 DATED: July 14, 2020


HON. SALLIE KIM
United States Magistrate Judge